

REMARKS

Claims 1-20 are pending. Of these, claims 1, 2, 17 and 18 were amended. These amendments and remarks were made to further define Applicants' invention. Reconsideration of this application in light of the amendments and the following remarks is requested. No new matter was added.

The Examiner rejected claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shinitsky et al. in view of Murad, Herstein and Taylor et al.

Claim 1 recites: "A composition comprising: at least about 10% (w/v) ascorbic acid, wherein the ascorbic acid comprises ascorbic acid; an aminosugar; and water, wherein the composition has a pH of more than 3.5."

In contrast, Shinitsky et al., Murad, Herstein, and Taylor et al., individually, and in combination do not teach or suggest the present invention as recited by claim 1. For example, none of the references teach or suggest having a composition of ascorbic acid, aminosugar and water with the composition having a pH of more than 3.5 as recited in claim 1. In fact, the prior art suggests a complete break-down of ascorbic acid in higher pHs like 3.5. Accordingly, none of the cited art suggests a pH as high in a solution as recited in claim 1. On the contrary, a composition such as the one recited by claim 1 is completely unexpected from all that has been written in the art about ascorbic acid. Thus, claim 1 is clearly patentable over Shinitsky et al. in view of Murad, Herstein and Taylor et al.

Moreover, since claims 2-16, 19 and 20 are dependent on claim 1, claims 2-16, 19 and 20 are also patentable over Shinitsky et al. in view of Murad, Herstein and Taylor et al. for at least the same reasons as claim 1.

Claim 17 recites: "A composition for treating an inflammatory skin ailment, the composition comprising: at least about 5.0% (w/v) ascorbic acid,; at least about 10% (w/v) glucosamine; a non-toxic zinc salt; a tyrosine compound; and water, wherein the composition has a pH of more than 3.5."

In contrast, Shinitsky et al., Murad, Herstein, and Taylor et al., individually, and in combination do not teach or suggest the present invention as recited by claim 17. For example,

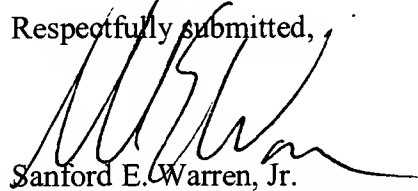
none of the references teach or suggest having a composition for treating an inflammatory skin ailment of ascorbic acid, glucosamine, a non-toxic zinc salt, a tyrosine compound and water with the composition having a pH of more than 3.5 as recited in claim 17. In fact, as stated earlier, the prior art suggests a complete break-down of ascorbic acid in higher pHs like 3.5. Consequently, none of the cited art suggests a pH as high in a solution as recited in claim 17. On the contrary, a composition such as the one recited by claim 17 is completely unexpected from all that has been written in the art about ascorbic acid. Accordingly, claim 17 is also clearly patentable over Shinitsky et al. in view of Murad, Herstein and Taylor et al.

Claim 18 recites: "A method of treating rosacea or other inflammatory skin affliction, the method comprising topically applying to the afflicted skin a composition comprising at least 5.0% (w/v) ascorbic acid; at least 10% (w/v) glucosamine or other anti-inflammatory aminosugar; and water."

In contrast, Shinitsky et al., Murad, Herstein, and Taylor et al., individually, and in combination do not teach or suggest the present invention as recited by claim 18. For example, none of the references teach or suggest having a composition of ascorbic acid, glucosamine or other anti-inflammatory aminosugar and water with the composition having a pH of more than 3.5 as recited in claim 18. In fact, as stated earlier, the prior art suggests a complete break-down of ascorbic acid in higher pHs like 3.5. Thus, none of the cited art suggests a pH as high in a solution as recited in claim 18. On the contrary, a composition such as the one recited by claim 18 is completely unexpected from all that has been written in the art about ascorbic acid. Therefore, claim 18 is also clearly patentable over Shinitsky et al. in view of Murad, Herstein and Taylor et al.

Applicant respectfully submits that the claims are now in condition for allowance. However, should the Examiner deem that any further amendment is desirable to place this application in condition for allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,


Sanford E. Warren, Jr.
Registration No. 33,219

Date: 5/02/03
Warren and Kennedy, L.L.P.
6565 N. MacArthur, Suite 910
Irving, Texas 75039-2461
Telephone: 972/506-9818
Facsimile: 972/506-9827
swarren@warrenkennedy.com
Attorney Docket No. 121753.1004

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PATRICIA J. LUCIO

Name of person mailing paper and fee

Patricia J. Lucio

Signature of person mailing paper and fee

**VERSION WITH MARKINGS TO SHOW CHANGES MADE
PURSUANT TO 37 C.F.R. 1.121(c)(ii)**

1. (Three Times Amended) A composition comprising:
at least about 10% (w/v) ascorbic acid, wherein the ascorbic acid comprises [pretreated]
ascorbic acid;
an aminosugar; and
water, wherein the composition has a pH of more than 3.5.
2. (Amended) The composition of claim I, wherein the [composition has a pH of more than
3.5.] ascorbic acid is pretreated.
17. (Twice Amended) A composition for treating an inflammatory skin ailment, the
composition comprising:
at least about 5.0% (w/v) ascorbic acid[, wherein at least about 10% (w/v) of the ascorbic
acid is pretreated ascorbic acid];
at least about 10% (w/v) [of] glucosamine;
a non-toxic zinc salt;
a tyrosine compound; and
water, wherein the composition has a pH of more than 3.5.
18. (Amended) A method of treating rosacea or other inflammatory skin affliction, the
method comprising topically applying to the afflicted skin a composition comprising at least
5.0% (w/v) ascorbic acid[, wherein at least about 10% (w/v) of the ascorbic acid is pretreated
ascorbic acid]; at least 10% (w/v) glucosamine or other anti-inflammatory aminosugar; and
water.